

SEALED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

IN THE MATTER OF)
ADMINISTRATIVE SUBPOENAS TO)
BANK OF AMERICA, WELLS)
FARGO, U.S. BANK, J.P. MORGAN)
CHASE & CO., AMERICAN BANK OF)
MONTANA, COLONIAL BANK, TCF)
BANK, AND TOWN AND COUNTRY)
BANK)
)
UNITED STATES SECURITIES AND)
EXCHANGE COMMISSION)
100 F STREET, N.E.)
WASHINGTON, D.C. 20549)

Case No. 2:13-cv-00129-MMD-NJK

ORDER DELAYING NOTICE

(FILED UNDER SEAL)

Upon consideration of the Application of the United States Securities and Exchange Commission for an Order pursuant to Section 21(h)(4) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u(h)(4), showing, and it appearing to the Court, that:

1. The Commission seeks access to financial records from Bank of America, Wells Fargo, U.S. Bank, J.P. Morgan Chase & Co., American Bank of Montana, Colonial Bank, TCF Bank, and Town and Country Bank pursuant to the attached subpoenas issued in conformity with the requirements of Section 19(c) of the Securities Act of 1933, 15 U.S.C. § 77s(c), and Section 21(b) of the Exchange Act, 15 U.S.C. § 78u(b);
and

2. The Commission has reason to believe that delay in obtaining access to such financial records, or providing the required customer notice, will result in the “transfer of assets outside the territorial limits of the United States,” and/or “improper conversion of investor assets.” Exchange Act §§ 21(h)(2)(A)(iii), (iv); 15 U.S.C.

§§ 78u(h)(2)(A)(iii), (iv). In addition the Commission has reason to believe that the acts, practices, or course of conduct under investigation involve “the dissemination of materially false or misleading information concerning any security . . . or a financial loss to investors or other persons protected under the securities laws which remains substantially uncompensated.” Exchange Act §§ 21(h)(2)(C); 15 U.S.C.

§ 78u(h)(2)(C).

IT IS HEREBY ORDERED that the notification, to the extent required, of customers of Bank of America, Wells Fargo, U.S. Bank, J.P. Morgan Chase & Co., American Bank of Montana, Colonial Bank, TCF Bank, and/or Town and Country Bank by the Commission that copies of, or the information contained in, such records have been sought or obtained pursuant to the attached subpoenas may be delayed for ninety days from the date of this order; and

IT IS HEREBY FURTHER ORDERED that Bank of America, Wells Fargo, U.S. Bank, J.P. Morgan Chase & Co., American Bank of Montana, and/or Town and Country Bank, and their officers, employees and agents are prohibited from disclosing that copies of, or information contained in, such records have been obtained or that a request for such records has been made.

Dated: January 24, 2013


UNITED STATES DISTRICT JUDGE